IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 30005 of 1995

Between:

1.Krishna Rao Addala, S/o.Late Bhadrayya, 61 years,
Pensioner, R/o.Flat.No.401-A, situate in 4th Floor,

Keerthi Apartments, Yellareddyguda, Hyderabad.
2.D.Seshu Babu, S/o.Late Sreeramulu, 50 years,
R/o.Flat.No.401-C, Occupation: Service, situate in 4th Floor,

Keerthi Apartments, Yellareddyguda, Hyderabd.
3.Ch.Satyanarayana, S/o.Ch.Lakshmaiah, 35 years,
Occ: Service, R/o.Flat.No.402-C, situate in 4th Floor,

Keerthi Apartments, Yellareddyguda, Hyderabad.

..... PETITIONERS

AND

1.Government of Andhra Pradesh, rep., by its Principal Secretary,
Municipal Administration & Urban Development Department (M.1),

Secretariat, Hyderabad.
2.The Commissioner, Municipal Corporation of Hyderabad,
Tank Bund Road, Hyderabad.
3.K.L.Kishore, General Power of Attorney of K.Veerabhadra Rao and others,
R/o.8-3-320, Yellareddyguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of Writ of Mandamus declaring 1) G.O.Rt.No.904, Municipal Administration, dated 16-08-1995 2) G.O.Rt.No.1447, Municipal Administration, dated 01-09-1992 3) G.O.Rt.No.1826, Municipal Adiministration, dt.13-12-1992 as illegal, arbitrary, without jurisdiction and set aside the same; B) Direct the respondents to remove the structures constructed pursuant to the permit no.1497/52 of 1995 File no.341/TPS/90 of the 2nd respondent which was given pursuant to the relaxation accorded in G.O.Rt.No.904,M.A.dt.16-08-

1995;G.O.Rt.No.1447, M.A., dated 01-09-1992;G.O.Rt.No.1826, M.A., dated 03-12-1992 C) Direct the respondent No.3 to obtain Fir for Occupation Certificate for Block 'B' before the Flats are occupied and direct the respondents to rectify the drainage and water supply connections; D) Direct the respondents to register the declaration deeds of the apartments and copies of the Floor Plans with the Sub-Registrar and furnish a copy to the Keerthi Flat Owners Welfare Society, Registration No.1510/92 in Form IV of A.P(Apartments (Promotion of Construction and Ownership) Rules, 1987 as per Rule 14 of the Rules; E) To hand over Keerthi Towers Block 'A' to the Keerthi Flat Owners Welfare Society Registration No.1510/92, to remove the Office (accommodation) Rooms constructed in stilt floor ear-marked for the parking space immediately as the same is being misused for the business of the Sister Concern of the 3rd respondents & F) Direct the 3rd respondent to complete the construction of compound wall left over on the south east corner and to blacktop/concrete the internal road.

Counsel for the Petitioners: MR.T.AMARNATH GOUD

Counsel for the Respondent No.1: G.P. FOR MUNICIPAL

ADMINISTRATION

Counsel for the Respondent No.2: SMT.G.JYOTHI KIRAN FOR (SC)

Counsel for the Respondent No.3: MR. P.SRIRAGHURAM

The Court made the following:

-

-

-

-

-

-

-

-

-

-

-

-

ORAL ORDER:

Heard both sides.

2. The petitioners challenge the G.O.Rt.Nos.904, 1447 and 1826 of the Municipal Administration, dated 16-08-1995, 01-09-1992 and 03-12-1992 respectively, as illegal and arbitrary and for a consequential direction to the respondents to remove the structures made by the owner pursuant to the

permission issued by the second respondent.

3. A counter-affidavit had been filed by the second respondent *inter alia* stating that the building permission, dated 04-01-1991, had been granted in favour of the petitioners as per the Hyderabad Municipal Corporation Act and the relaxations granted by the Government. Subsequently, two flats have been constructed over and above the 5th floor and the owners of the said two flats have submitted their representations for regularization of the said flats and the other flat owners in the 5th floor and those representations were pending as no regularization is granted. It is further stated that it was found that the existing building height is 18.00 metres to 2.1.00 metres and there was a room existing in the stilt floor in the corner of the building, which is being used for the office by the Association.

4. From the above, it appears that the relaxation was granted by the second respondent subsequent to the construction made by the owner.

5. Having regard to the said fact stated in the counter-affidavit and having regard to the fact that various G.O.Rts., referred to in the prayer are not seriously disputed, I feel it inexpedient to pass any further orders or to continue the present writ petition.

6. Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

D.S.R.VARMA, J

09TH SEPTEMBER 2004

KRK

To:

1.The Principal Secretary, Municipal Administration & Urban Development Department (M.1), Government of Andhra Pradesh, Secretariat, Hyderabad.

2.Two C.Cs to the Government Pleader for Municipal Administration, High Court Buildings, Andhra Pradesh, Hyderabad (OUT).

3.Two C.D. Copies.